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Hon. Thomas G. Leone
Cayuga County Courthouse
154 Genesee Street
Auburn, New York 13021

RE: People v. Thomas Ozzborn (Indictment 2015-191)
Promoting Prison Contraband in the First Degree

Dear Judge Leone,

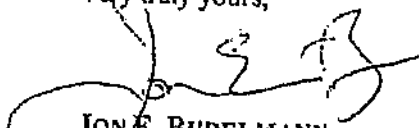
The above-listed defendant pled guilty to one count of Promoting Prison Contraband in the First Degree on June 8, 2016 and was sentenced on August 11, 2016, to 2-4 years in state prison. Pursuant to our legal and ethical obligations of disclosure, we have recently learned of an infirmity regarding the credibility of our main witness in the case, Corrections Officer Matthew Cornell. Specifically, we have credible evidence that Officer Cornell placed a contraband weapon on another inmate at Auburn Correctional Facility in April 2015.

While we have no direct evidence that this particular defendant was subjected to the same conduct, given the severity of the conduct itself and the fact that the prosecution was sustained almost entirely on Officer Cornell's testimony regarding the search of the defendant and the recovery of the contraband item, we no longer have confidence in the correctness of the conviction.

As such, we would not oppose any motion submitted by the defendant pursuant to Criminal Procedure Law section 440 to vacate the previously entered plea and sentence. Thereafter, we would join in any motion to dismiss the indictment in the Interest of Justice.

Thank you for your attention to this. A copy of this letter is being forwarded to assigned counsel of record and the defendant at his last-listed address with the Department of Corrections.

Very truly yours,


JON E. BUDELMANN
District Attorney of Cayuga County

CC: Rome Canzano, Esq.
Thomas Ozzborn (DIN 16B2311), Great Meadow Correctional Facility
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WE DO NOT ACCEPT SERVICE BY FACSIMILE